

REMARKS

Claims 1, 2, 4, 5, 7, and 9-11 are pending in this application. By this Amendment, claim 11 is amended. Support for the amendment to claim 11 can be found at, for example, Fig. 2. No new matter is added. Applicant respectfully requests reconsideration and prompt allowance of the pending claims in view of at least the following remarks.

I. Personal Interview

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Lee in the February 15, 2011 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

II. Rejection Under §112, Second Paragraph

The Office Action rejects claim 11 under 35 U.S.C. §112, second paragraph. The Office Action asserts that claim 11 does not require the other valve to be disposed between the first and second portions and that the claim only requires the valve to be in the passage of a hydrogen exhaust formed by the first and second portion. Claim 11 is amended to claim a plurality of spring members interposed between the valve and one of the first and second portions. Accordingly, Applicant respectfully requests withdrawal of the rejection.

III. Rejections Under §103(a)**A. Rejection Over Nguyen, Greiner, and Kiku**

The Office Action rejects claims 1, 2, 4, 5, 7, 9, and 10 under 35 U.S.C. §103(a) as having been obvious over U.S. Patent No. 7,235,217 to Nguyen in view of U.S. Patent No. 5,728,183 to Greiner et al. (hereinafter "Greiner") and U.S. Patent No. 6,908,069 to Kiku. The rejection is respectfully traversed.

Greiner fails to disclose "a spring member interposed between the hydrogen exhaust valve and one of the first portion and the second portion to urge the hydrogen exhaust valve against the other one of the first portion and the second portion," as recited in claim 1. The

Office Action acknowledges that Greiner fails to disclose this feature. However, the Office Action asserts that Kiku cures the deficiencies of Greiner.

However, as agreed in the February 15 interview, the combination of Greiner and Kiku is improper. Specifically, the Office Action asserts that it would have been obvious to a skilled artisan to combine the valve of Kiku with Nguyen and Greiner for the benefit of moving the hydrogen exhaust. However, the Office Action relies on Greiner for the disclosure of a hydrogen exhaust valve (one-way valve 43) as well as the direct fixation between the first (space 60) and second (combustion chamber 25) portion. Thus, the Examiner is asserting that the valve (43) of Greiner is replaced with the valve (4) of Kiku in order to provide the benefit of moving the hydrogen exhaust. Such a substitute would render Greiner inoperable for its intended purpose (See MPEP §2143.01(V)).

Specifically, Greiner is designed in order utilize a one-way pressure valve (43) so that, when the pressure in the space (60) is lower than within the cup (42), the valve opens. By replacing the valve (43) of Greiner with the valve (4) of Kiku, which does not use pressure as an indicator for the opening and closing of the valve, the valve (4) of Kiku would effectively render Greiner inoperable for its intended purpose of regulating the gasses passing through the water (col. 3, lines 42-60 of Greiner) since the valve (4) of Kiku is merely intended to change flow paths and does not allow for the opening and closing of the valve in response to fluctuations in pressure.

Thus, the applied references, alone or in any proper combination, fail to disclose and would not have rendered obvious "a spring member interposed between the hydrogen exhaust valve and one of the first portion and the second portion to urge the hydrogen exhaust valve against the other one of the first portion and the second portion," as recited in claim 1.

For at least these reasons, claim 1 is patentable over the applied references, alone or in any proper combination. Further, claims 2, 4, 5, 7, 9, and 10 are patentable for at least the

same reasons, as well as for the additional features recited therein. Accordingly, Applicant respectfully requests withdrawal of the rejection.

B. Rejection Over Nguyen, Greiner, Kiku, and Ohyauchi

The Office Action rejects claims 1 and 11 under 35 U.S.C. §103(a) as having been obvious over Greiner in view of U.S. Patent No. 5,039,579 to Kinoshita, Kiku, and U.S. Patent No. 4,759,997 to Ohyauchi et al. (hereinafter "Ohyauchi"). The rejection is respectfully traversed.

Greiner fails to disclose "a spring member interposed between the hydrogen exhaust valve and one of the first portion and the second portion to urge the hydrogen exhaust valve against the other one of the first portion and the second portion," as recited in claim 1. The Office Action acknowledges that Greiner fails to disclose this feature. However, the Office Action asserts that Kiku cures the deficiencies of Greiner.

However, as agreed in the February 15 interview and as discussed above, the combination of Greiner and Kiku is improper to disclose the above feature is improper. Thus, the applied references, alone or in any proper combination, fail to disclose and would not have rendered obvious "a spring member interposed between the hydrogen exhaust valve and one of the first portion and the second portion to urge the hydrogen exhaust valve against the other one of the first portion and the second portion," as recited in claim 1.

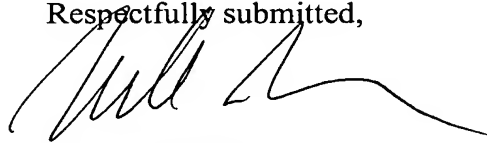
For at least these reasons, claim 1 is patentable over the applied references, alone or in any proper combination. Further, claim 11 is patentable for at least the same reasons, as well as for the additional features recited therein. Accordingly, Applicant respectfully requests withdrawal of the rejection.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Michelle K. Windom
Registration No. 65,466

JAO:MQW/hs

Attachment:
Request for Continued Examination

Date: February 25, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p>
--